Amendments to the Drawings

The attached sheet of drawings includes changes to Figure 9. This sheet replaces the original

sheet of drawings.

Attachment: Replacement sheet

Remarks

Applicant respectfully request reconsideration of the present application in view of the foregoing amendments and the following remarks. Claims 1-16, 18, 20-49 and 51-58 are pending in the application. Claims 1-55 are rejected. Claims 17, 19 and 50 are canceled without prejudice. Claims 1, 25, 28, 36, 51 and 52 are independent. Claims 56-58 are new.

Objection to the Abstract

The Abstract has been amended and no longer includes the word "comprises." Applicants respectfully request that the objection to the specification be withdrawn.

Objection to the Drawings

Figure 9 has been amended to remove reference numeral 990. The specification has been amended to include reference number 570. These amendments do not constitute new matter. Applicants respectfully request that the objections to the drawings be withdrawn.

Rejections Under 35 U.S.C. 102(e)

The Action rejects claims 1-3, 7-17, 19-37 and 41-55 under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,930,718 to Parulski et al. ("Parulski"). Applicants respectfully traverse these rejections and submit the claims in their present form are allowable over the applied art.

For a 102(b) rejection to be proper, the applied art must show each and every element as set forth in a claim. (*See* MPEP § 2131.) Applicants respectfully submit that the claims in their present form are allowable over the applied art because it does not teach or suggest all the claim limitations of claims 1-3, 7-17, 19-37 and 41-55.

Independent Claim 1

As amended, independent claim 1 recites in part:

> transferring a first digital image file containing a digital image from a first digital image data source device to a target computer having an application programming interface that facilitates transfer of digital image files from digital image data source devices to the target computer;

at the target computer, analyzing image data from the first digital image file; and
at the target computer, adjusting the image data from the first digital image file
based at least in part on the analysis of the image data,
wherein the analyzing and the adjusting are performed automatically at the
target computer, and wherein the analyzing and the adjusting are initiated by the
transferring of the first digital image file from the first digital image data source device
to the target computer.

Parulski does not teach or suggest the above-cited language of independent claim 1. For
example, at page 11 the Application states,

Programming interfaces such as *IWiaDataTransfer* can be used in conjunction with an
automatic image analysis and adjustment service. The API can be modified to include
flags signaling whether and in what manner automatic image analysis and adjustment is
performed. *IWiaDataTransfer* includes the member function
IWiaDataTransfer::idtGetData, which is called to retrieve files from an appropriate
device. For example, in some cases, images are retrieved from a device of a particular
class (e.g., "Image Acquisition Device"). The device class can be detected based on a
plug-and-play globally-unique identifier ("GUID") stored in an INF file that indicates to
WIA that the device is an image capture device, a USB mass-storage device, etc.

Parulski does not mention application programming interfaces (or APIs). Parulski is even

further from teaching or suggesting "a target computer having an application programming interface

that facilitates transfer of digital image files from digital image data source devices to the target

computer," especially when taken in combination with the other cited elements of claim 1. For

example, Parulski also does not teach or suggest "the analyzing and the adjusting are initiated by the

transferring of the first *digital image file* from the first digital image data source device to the target

computer," as recited in claim 1.

Parulski mentions that "[d]erived images are modified relative to the original images," which

"can be for calibration to the display or a particular file structure, or matching to output media." [*See*

Parulski at col. 6, 1. 7-9.] Parulski also mentions that "[d]igital processing of an electronic archival

image can also include modifications related to file transfer, such as, JPEG compression, and file

formatting." [*See id.* at col. 12, 1. 10-13.] However, Parulski's descriptions of derived images, JPEG

compression, file structure and formatting for file transfer do not include any description of *a file

transfer that initiates analyzing and adjusting of image data* at the target computer.

Applicants respectfully disagree with the Examiner's statement that "Parulski et al. disclose

analyzing and adjusting (step 214) are performed at the target computer (80), wherein the analyzing

and adjusting (step 214) are initiated by the transferring of the digital image file (steps 202 and 208) from the digital image data source device (18) to the target computer (80)." [*See* Action at p. 2.] Parulski states, "the camera first focuses (200) the taking lens and captures (202) the archival image." [*See* Parulski at col. 26, l. 66-67; FIG. 31b.] Parulski also states, "A verification image is derived (208) from the digitized evaluation image." [*See id.* at col. 27, l. 5-7; FIG. 31b.] Thus, step 202 involves image capture and step 208 involves deriving a verification image, but steps 202 and 208 do not involve transferring a digital image *file* to a target computer, nor do other steps in FIG. 31b, such as step 204 ("CAPTURE ARCHIVAL IMAGE") and step 206 ("DIGITIZE EVALUATION IMAGE"). More specifically, although FIG. 31b mentions "digitizing evaluation images and deriving "verification" images from evaluation images, the steps in FIG. 31b do not involve transferring a digital image *file* to a target computer, where the *transfer of the file initiates analyzing and adjusting* at the target computer.

Technology falling within the scope of claim 1 has advantages over the Parulski art cited by the Examiner. For example, automatically analyzing and adjusting digital images at a target computer provides the benefit of automatic analysis and adjustment regardless of how the images were captured. A digital image created by scanning a photograph on paper can be transferred to a target computer and automatically analyzed and adjusted at the target computer when the digital image file is transferred to the target computer. Or, digital images stored on removable media can be transferred to a target computer and automatically analyzed and adjusted at the target computer when the digital image file is transferred to the target computer.

Claim 1 is allowable. Claims 2, 3, 7-16 and 20-24 depend from claim 1 and are allowable for at least the reasons given above in support of claim 1. Therefore, the rejection of claims 1-3, 7-16 and 20-24 under 35 U.S.C. § 102(e) should be withdrawn. Such action is respectfully requested.

Dependent claims 4-6 and 18 also are allowable. The rejection of dependent claims 4-6 and 18 is addressed below.

Independent Claim 25

As amended, independent claim 25 recites in part:

>   responsive to a transfer of a first digital image file from a first digital image data
> source device to a target computer, analyzing image data from the digital image file at
> the target computer;

prior to receiving any user input relating to the analyzing, adjusting the image
data from the first digital image file at the target computer based at least in part on the
analysis of the image data; and

generating metadata corresponding to the adjusting;

wherein the target computer has an interface that allows transfer of digital image
files from multiple different types of digital image data source devices to the target
computer.

Parulski does not teach or suggest the above-cited language of independent claim 25. For
example, Parulski does not teach or suggest "responsive to a transfer of a first digital image file from a
first digital image data source device to a target computer, analyzing image data from the digital image
file at the target computer . . . wherein the target computer has an interface that allows transfer of
digital image files from multiple different types of digital image data source devices to the target
computer," as recited in claim 25.

Parulski mentions that "[d]erived images are modified relative to the original images," which
"can be for calibration to the display or a particular file structure, or matching to output media." [*See*
Parulski at col. 6, 1. 7-9.] Parulski also mentions that "[d]igital processing of an electronic archival
image can also include modifications related to file transfer, such as, JPEG compression, and file
formatting." [*See id.* at col. 12, 1. 10-13.] However, Parulski's descriptions of derived images, JPEG
compression, file structure and formatting for file transfer do not include any description of analyzing
image data responsive to a transfer of a *digital image file*. More specifically, Parulski does not teach or
suggest analyzing image data responsive to a transfer of a digital image file to a target computer,
"wherein the target computer has an interface that allows transfer of digital image files from multiple
different types of digital image data source devices to the target computer," as recited in claim 25.

Applicants respectfully disagree with the Examiner's statement that "Parulski et al. disclose . . .
responsive to the transfer of the digital image file (see figure 31b and column 26, line 63 - column 27,
line 15), analyzing image data from the digital image file at the target . . . computer (see Steps 210 and
212 in figure 31b; also see column 17, lines 7-22, and column 18, 1. 50-57)." [*See* Action at p. 10.]
The steps in FIG. 31b do not involve transfer of a digital image *file* to a target computer.

Claim 25 is allowable. Claims 26 and 27 depend from claim 25 and are allowable for at least
the reasons given above in support of claim 25. Therefore, the rejection of claims 25-27 under 35
U.S.C. § 102(e) should be withdrawn. Such action is respectfully requested.

Independent Claim 28

Independent claim 28 recites in part:

> an image acquisition application programming interface at the target computer
> for acquiring one or more digital image files containing one or more digital images from
> a digital image source device;
> . . .
> an image analysis software module at the target computer for analyzing the one
> or more acquired digital images at image acquisition time, wherein the analyzing is
> initiated by the acquiring;
> an image adjustment software module at the target computer for adjusting the
> one or more acquired digital images at image acquisition time, wherein the adjusting is
> based at least in part on the analyzing . . . .

Parulski does not teach or suggest the above-cited language of independent claim 28. Parulski

does not mention application programming interfaces. Parulski is even further from teaching or

suggesting "an image acquisition application programming interface at the target computer for

acquiring one or more digital image files containing one or more digital images from a digital image

source device," especially when taken in combination with the other cited elements of claim 28.

Claim 28 is allowable. Claims 29-35 depend from claim 28 and are allowable for at least the

reasons given above in support of claim 28. Therefore, the rejection of claims 28-35 under 35 U.S.C.

§ 102(e) should be withdrawn. Such action is respectfully requested.

Independent Claim 36

Independent claim 36 recites in part:

> means for analyzing digital image data in the received digital image file,
> wherein the means for analyzing automatically analyzes the digital image data
> responsive to the received digital image file; and
> means for adjusting the digital image based on the automatic analysis of the
> digital image data, wherein the means for adjusting automatically adjusts the digital
> image data responsive to the automatic analysis.

Parulski does not teach or suggest the above-cited language of independent claim 36. For

example, Parulski does not teach or suggest "wherein the means for analyzing automatically analyzes

the digital image data responsive to the received digital image file," as recited in claim 36.

Parulski mentions that "[d]erived images are modified relative to the original images," which

"can be for calibration to the display or a particular file structure, or matching to output media." [*See* Parulski at col. 6, l. 7-9.] Parulski also mentions that "[d]igital processing of an electronic archival image can also include modifications related to file transfer, such as, JPEG compression, and file formatting." [*See id.* at col. 12, l. 10-13.] However, Parulski's descriptions of derived images, JPEG compression, file structure and formatting for file transfer do not teach or suggest "means for analyzing digital image data in the received digital image file, wherein the means for analyzing automatically analyzes the digital image data responsive to the received digital image file," as recited in claim 36.

Claim 36 is allowable. Claims 37 and 41-50 depend from claim 36 and are allowable for at least the reasons given above in support of claim 36. Therefore, the rejection of claims 36, 37 and 41-50 under 35 U.S.C. § 102(e) should be withdrawn. Such action is respectfully requested.

Dependent claims 38-40 also are allowable. The rejection of dependent claims 38-40 is addressed below.

Independent Claims 51 and 52

Independent claim 51 recites in part:

receiving a software platform for analyzing and adjusting digital images at a target computer responsive to receiving one or more files containing the digital images at the target computer from a source device, wherein the software platform comprises a customizable software architecture for adjusting digital image data based on analysis of digital image data.

Independent claim 52 recites in part:

a customizable software architecture for adjusting digital image data at a target computer based on analysis performed at the target computer, wherein the adjusting and the analysis of the digital image data is responsive to acquisition of one or more files containing digital images by the target computer from a digital image source device.

Parulski does not teach or suggest the above-cited language of independent claims 51 and 52. Parulski mentions that "[d]erived images are modified relative to the original images," which "can be for calibration to the display or a particular file structure, or matching to output media." [*See* Parulski at col. 6, l. 7-9.] Parulski also mentions that "[d]igital processing of an electronic archival image can also include modifications related to file transfer, such as, JPEG compression, and file formatting." [*See id.* at col. 12, l. 10-13.] However, Parulski's descriptions of derived images, JPEG compression, file structure and formatting for file transfer do not teach or suggest "receiving a software platform for

analyzing and adjusting digital images at a target computer responsive to receiving one or more files containing the digital images at the target computer from a source device," as recited in claim 51, or "a customizable software architecture for adjusting digital image data at a target computer based on analysis performed at the target computer, wherein the adjusting and the analysis of the digital image data is responsive to acquisition of one or more files containing digital images by the target computer from a digital image source device," as recited in claim 52.

Claims 51 and 52 are allowable. Claims 53-55 depend from claim 52 and are allowable for at least the reasons given above in support of claim 52. Therefore, the rejection of claims 51-55 under 35 U.S.C. § 102(e) should be withdrawn. Such action is respectfully requested.

Rejections Under 35 U.S.C. § 103(a)

The Action rejects claims 4-6, 18 and 38-40 under 35 U.S.C. 103(a) as being unpatentable over Parulski. [*See* Action at pp. 12-14.] Applicants respectfully traverse these rejections.

Applicants respectfully submit that the claims in their present form are allowable over the applied art. The applied art does not teach or suggest the recited language of independent claim 1, from which claims 4-6 and 18 depend, or the recited language of independent claim 36, from which claims 38-40 depend. For example, Parulski does not teach or suggest "a target computer having an application programming interface that facilitates transfer of digital image files from digital image data source devices to the target computer" and "the analyzing and the adjusting are initiated by the transferring of the first digital image file from the first digital image data source device to the target computer," as recited in claim 1, or "wherein the means for analyzing automatically analyzes the digital image data responsive to the received digital image file," as recited in claim 36.

Claims 4-6, 18 and 38-40 are allowable for at least the reasons given above for the allowability of their respective parent claims. Therefore, the rejections of claims 4-6, 18 and 38-40 under 35 U.S.C. § 103(a) should be withdrawn. Such action is respectfully requested.

New Claims

Claims 56-58 have been added. Claims 56-58 depend from claims 1, 25 and 36, respectively, and are allowable for at least the reasons given above in support of their respective parent claims.

Support for new claim 56 can be found, for example, in the Application at page 11. Support for new claim 57 can be found, for example, in the Application at page 11 and original claim 2. Support for new claim 58 can be found, for example, in the Application at page 5.

Request for Interview

If any issues remain, the Examiner is formally requested to contact the undersigned attorney prior to issuance of the next Office Action in order to arrange a telephonic interview. It is believed that a brief discussion of the merits of the present application may expedite prosecution. Applicants submit the foregoing formal Amendment so that the Examiner may fully evaluate Applicants' position, thereby enabling the interview to be more focused.

This request is being submitted under MPEP § 713.01, which indicates that an interview may be arranged in advance by a written request.
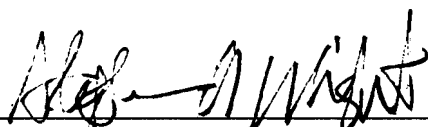
Conclusion

The claims in their present form should now be allowable. Such action is respectfully requested.

Respectfully submitted,

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